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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETER J. VOGGENTHALER, et al.,) Case No. 2:08-cv-01618-RCJ-GWF
Plaintiffs,) (consolidated with 3:09-cv-00231-RCJ-GWF
v.)
MARYLAND SQUARE, LLC, et al.,)
Defendants,)
AND RELATED CROSS CLAIMS AND THIRD)
PARTY CLAIMS)
STATE OF NEVADA, DEPARTMENT OF)
CONSERVATION AND NATURAL)
RESOURCES, et al.,)
Plaintiffs,)
v.)
MARYLAND SQUARE SHOPPING CENTER,)
et al.,)
Defendants)
AND RELATED THIRD PARTY CLAIMS)
STIPULATION AND ORDER
REGARDING PROPOSED PLAN

**STIPULATION AND ORDER
REGARDING PROPOSED PLAN**

The Court held a Status Conference on Monday, July 7, 2014, to address outstanding issues including the stay currently in place pursuant to the Parties' request for additional time to negotiate a settlement granted by Minute Order on February 13, 2014. The Parties

1 represent that litigation matters are pending complete resolution in these consolidated cases,
2 and that the Parties are working toward full implementation of the Permanent Injunction and
3 remedial action. The Court has retained jurisdiction over the enforcement of the Permanent
4 Injunction entered in these Consolidated Cases, including approval of the Proposed Plan.

5 At the July 7, 2014 Status Conference, the Parties agreed to confer and submit a joint
6 order regarding the timeframe for submittal of the Proposed Plan and a briefing schedule for
7 any objections to the Plan. Therefore,

8 **The undersigned Parties stipulate and agree as follows:** NDEP shall prepare the
9 Proposed Plan identified in the Permanent Injunction. NDEP shall submit the Proposed Plan
10 to the Court for approval on or before July 28, 2014. Any party or person objecting to the
11 Proposed Plan shall file and serve an objection no later than August, 18 2014. Any response
12 in support of the Proposed Plan shall be filed on or before September 8, 2014. The Court will
13 conduct a status conference on September 25, 2014, for purposes of considering the
14 Proposed Plan. If necessary, the Parties will present any evidence in support of or in
15 objection to the Proposed Plan at the September 25 hearing.

16
17 DATED this 18th day of July, 2014.

18 CATHERINE CORTEZ MASTO
19 Attorney General

20 By: /s/ Wayne Klomp
21 Wayne Klomp
22 Attorneys for Nevada Division
23 of Environmental Protection

24 DONGELL LAWRENCE FINNEY LLP

25 By: /s/ Thomas F. Vandenburg
26 Thomas F. Vandenburg
27 Attorneys for Defendants Maryland
28 Square Shopping Center, LLC, the
Herman Kishner Trust d/b/a Maryland
Square Shopping Center, Irwin Kishner,
Jerry Engel, and Premier Trust as
trustees for The Herman Kishner Trust

1 LAW OFFICES OF NEIL J. BELLER
2

3 By: /s/ Neil J. Beller
4 Neil J. Beller
5 Attorneys for Defendants Patricia
6 Leibovici, in her capacity as special
7 administrator of the Estate of Melvin
8 Shapiro, Estate of Phillip Shapiro, and
9 Shapiro Brothers Investment Co.

10 BENESCH FRIEDLANDER COPLAN &
11 ARANOFF, LLP

12 By: /s/ Jeremy Gilman
13 Jeremy Gilman
14 Attorneys for Defendants Patricia
15 Leibovici, in her capacity as special
16 administrator of the Estate of Melvin
17 Shapiro, Estate of Phillip Shapiro, and
18 Shapiro Brothers Investment Co.

19 FRANKLIN LEVY

20 By: /s/ Franklin Levy
21 Franklin Levy
22 Attorneys for Defendant Maryland
23 Square, LLC

24 ROBERTSON & ASSOCIATES, LLP

25 By: /s/ Alexander Robertson, IV
26 Alexander Robertson, IV
27 Attorneys for Plaintiffs

28 GREBEN & ASSOCIATES

29 By: /s/ Jan A. Greben
30 Jan A. Greben
31 Attorneys for Plaintiffs

32 **IT IS SO ORDERED.**

33 UNITED STATES DISTRICT COURT JUDGE

34 Dated: _____

CERTIFICATE OF SERVICE

I, Linda Deming, certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 18th day of July, 2014, I electronically filed the foregoing, **STIPULATION AND ORDER REGARDING PROPOSED PLAN**, via electronic filing to which the Clerk of the Court will notify the following via their internet and/or email address:

/s/ Linda Deming
Linda Deming, Legal Secretary II
an employee of the Office of the
Nevada Attorney General

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717